



February 28, 2003

HOUSE BILL No. 1671

DIGEST OF HB 1671 (Updated February 26, 2003 1:49 PM - DI 69)

Citations Affected: IC 13-11; IC 13-14; IC 13-15; IC 13-18; IC 13-20; IC 13-22; IC 13-23.

Synopsis: Environmental fees and rulemaking. Increases certain fees collected by the department of environmental management. Provides that certain fee increases do not apply to state and local units of government. Prohibits the air pollution control board, water pollution control board, and solid waste management board from adopting rules and standards that are more stringent than corresponding federal provisions established under federal law unless authorized to do so by the general assembly. Prohibits an applicant from receiving a refund of a permit application fee if the permit application concerned the renewal of a permit.

Effective: July 1, 2003; January 1, 2004; January 1, 2005.

**Bottorff, Heim, Stutzman, Cherry,
Wolkins**

January 21, 2003, read first time and referred to Committee on Environmental Affairs.
February 27, 2003, amended, reported — Do Pass.

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HB 1671—LS 6591/DI 69+



February 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1671

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-1.5, AS AMENDED BY P.L.1-2001,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2004]: Sec. 1.5. "Acute hazardous waste", for purposes
4 of **section 117.5 of this chapter and** IC 13-22-4-3.1, has the meaning
5 set forth in 40 CFR Part 261.

6 SECTION 2. IC 13-11-2-89 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 89. (a)
8 "Generator", for purposes of IC 13-22-12, means a person that, during
9 the preceding year, generated hazardous waste in quantities greater
10 than:

11 (1) one thousand (1,000) kilograms of hazardous waste; or

12 (2) one (1) kilogram of acutely toxic waste in any month.

13 (b) "Generator", for purposes of IC 13-29-1, means a person who
14 produces or possesses low-level radioactive waste in the course of or
15 incident to manufacturing, power generation, processing, medical
16 diagnosis and treatment, research, or other industrial or commercial
17 activity and who, to the extent required by law, is licensed by the

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United States Nuclear Regulatory Commission or a party state to produce or possess such waste. The term does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.

SECTION 3. IC 13-11-2-117.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 117.5. "Large quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

(1) generates:

(A) one thousand (1,000) kilograms or more of hazardous waste;

(B) more than one (1) kilogram of acute hazardous waste; or

(C) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;

in any one (1) or more calendar months of a calendar year; or

(2) accumulates:

(A) more than one (1) kilogram of acute hazardous waste; or

(B) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;

at any time during the year.

SECTION 4. IC 13-11-2-204.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 204.5. "Small quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

(1) generates more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste in any one (1) or more calendar months of a calendar year; or

(2) accumulates more than one thousand (1,000) kilograms of hazardous waste at any time during the year.

SECTION 5. IC 13-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a)** A rule or standard adopted by a board may:

(1) make different provisions as required by varying circumstances and conditions for different contaminant sources and for different geographical areas;

(2) be made applicable to sources outside Indiana that:

(A) are causing;



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- (B) are contributing to; or
 (C) could cause or contribute to;
 environmental pollution in Indiana; and
 (3) make provision for abatement standards and procedures:
 (A) concerning occurrences, emergencies, or pollution; or
 (B) on other short term conditions constituting an acute danger
 to health or to the environment.

(b) Subject to subsections (c) and (d), a rule or standard adopted by a board may not be more stringent than a corresponding federal provision established under federal law.

(c) A rule or standard adopted by a board may be more stringent than a corresponding federal provision established under federal law if:

- (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule or standard should be more stringent than the corresponding federal provision;**
(2) the environmental quality service council makes a recommendation to the general assembly that the rule or standard should be more stringent than the corresponding federal provision; and
(3) the general assembly enacts a statute that authorizes the board to adopt a rule or standard that is more stringent than the corresponding federal provision established under federal law.

(d) If the environmental quality service council reviews a rule or standard adopted by a board that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule or standard should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

- (1) void the rule or standard; and**
(2) require the board to adopt a rule or standard that is not more stringent than the corresponding federal provision established under federal law.

SECTION 6. IC 13-15-4-11, AS AMENDED BY P.L.184-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) If an applicant is operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit under IC 13-15-3-6, the applicant may proceed under this section after notifying the



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commissioner in writing of its intent to do so.

(b) If the commissioner does not issue or deny a permit within the time specified under sections 1 through 6 of this chapter, the applicant may proceed under this section. **Except as provided in section 12.1 of this chapter**, after reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement, the applicant may choose to proceed under one (1) of the following alternatives:

(1) The:

(A) applicant may request and receive a refund of a permit application fee paid by the applicant; and

(B) commissioner shall do the following:

(i) Continue to review the application.

(ii) Approve or deny the application as soon as practicable.

(iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(2) The:

(A) applicant may:

(i) request and receive a refund of a permit application fee paid by the applicant; and

(ii) submit to the department a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall do the following:

(i) Review the draft permit.

(ii) Approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

(iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(3) The:

(A) applicant may hire an outside consultant to prepare a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall:

(i) review the draft permit; and

(ii) approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

SECTION 7. IC 13-15-4-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. An applicant may not receive a refund of a permit application fee if the permit**



1 **application concerned the renewal of a permit.**

2 SECTION 8. IC 13-15-11-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. The
4 environmental management permit operation fund is established for the
5 purpose of providing money for permitting and directly associated
6 activities of the **following programs of the department:**

7 (1) National Pollutant Discharge Elimination System **program**
8 **including storm water permits.**

9 (2) Solid waste ~~and~~ **program.**

10 (3) Hazardous waste ~~programs of the department and the boards.~~
11 **program.**

12 (4) **Safe drinking water program.**

13 SECTION 9. IC 13-18-20-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For industrial
15 permits, other than coal mine permits or stone quarry permits, the
16 annual base fee per facility is:

17 (1) one thousand **one hundred** dollars (~~\$1,000~~) (**\$1,100**) for a
18 major permit; and

19 (2) four hundred **forty** dollars (~~\$400~~) (**\$440**) for a minor permit;
20 plus the following annual discharge flow fee per facility:

21 Daily Average Actual

22 Flow in MGD

Fee

23 .001 - .05 ~~\$240~~ **\$264**

24 .051 - .1 ~~\$360~~ **\$396**

25 .101 - .2 ~~\$840~~ **\$924**

26 .201 - .3 ~~\$1,200~~ **\$1,320**

27 .301 - .5 ~~\$1,680~~ **\$1,848**

28 .501 - 1.0 ~~\$2,060~~ **\$2,266**

29 1.001 - 2.0 ~~\$3,600~~ **\$3,960**

30 2.001 - 5.0 ~~\$5,400~~ **\$5,940**

31 5.001 - 10.0 ~~\$8,400~~ **\$9,240**

32 10.001 - 15.0 ~~\$12,000~~ **\$13,200**

33 15.001 - 30.0 ~~\$16,800~~ **\$18,480**

34 30.001 - 50.0 ~~\$22,800~~ **\$25,080**

35 50.001 - 100.0 ~~\$28,800~~ **\$31,680**

36 > 100.0 ~~\$34,800~~ **\$38,280**

37 Annual flow fees are reduced by twenty percent (20%) for discharges
38 that are comprised of greater than ninety percent (90%) of non-contact
39 cooling water.

40 SECTION 10. IC 13-18-20-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. Each facility
42 for which a coal mine operator files a notice of intent under the general



coal mine permit rules adopted under IC 13-18-18 shall pay an annual fee of five hundred **fifty** dollars (~~\$500~~) (**\$550**) instead of the following individual permit fees. The annual fee must accompany the initial notice of intent and is due each year on the anniversary date of the date when the initial notice of intent was filed.

Outfalls	Fee
1 Outfall	\$500 \$550
2-3 Outfalls	\$750 \$825
4-6 Outfalls	\$1,000 \$1,100
7-10 Outfalls	\$1,500 \$1,650
11-20 Outfalls	\$2,500 \$2,750
21-99 Outfalls	\$3,500 \$3,850

SECTION 11. IC 13-18-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. For stone quarry permits, the annual fee is as follows:

Outfalls	Fee
1 Outfall	\$750 \$825
2 Outfalls	\$1,500 \$1,650
3 Outfalls	\$2,000 \$2,200
4 Outfalls	\$2,500 \$2,750

SECTION 12. IC 13-18-20-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 8. For semipublic permits, the annual base fee per facility is:

(1) ~~seven hundred fifty~~ **eight hundred twenty-five** dollars (~~\$750~~) (**\$825**) for a major permit; and

(2) two hundred **twenty** dollars (~~\$200~~) (**\$220**) for a minor permit; plus the following annual discharge flow fee per facility:

Daily Average Design

Flow in MGD	Fee
.001 - .05	\$150 \$165
.051 - .1	\$300 \$330
.101 - .2	\$1,000 \$1,100
.201 - .3	\$2,000 \$2,200
.301 - .5	\$2,500 \$2,750
.501 - 1.0	\$3,000 \$3,300
1.001 - 2.0	\$3,500 \$3,850
2.001 - 5.0	\$4,000 \$4,400
5.001 - 10.0	\$5,000 \$5,500
10.001 - 15.0	\$6,500 \$7,150
15.001 - 30.0	\$7,500 \$8,250
30.001 - 50.0	\$10,000 \$11,000
50.001 - 100.0	\$11,000 \$12,100



SECTION 13. IC 13-18-20-9, AS AMENDED BY P.L.184-2002, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 9. (a) **Except as provided in subsection (b),** for public water system permits, the annual base fee per facility is:

(1) one thousand **one hundred** dollars (~~\$1,000~~) (**\$1,100**) for a major permit; and

(2) four hundred **forty** dollars (~~\$400~~) (**\$440**) for a minor permit; plus the following annual discharge flow fee per facility based on projected daily average flow in MGD as set forth in a facility NPDES permit:

Projected Daily Average

Flow in MGD

Fee

.001 - .05	\$240 \$264
.051 - .1	\$360 \$396
.101 - .2	\$840 \$928
.201 - .3	\$1,200 \$1,320
.301 - .5	\$1,680 \$1,848
.501 - 1.0	\$2,060 \$2,266
1.001 - 2.0	\$3,600 \$3,960
2.001 - 5.0	\$5,400 \$5,940
5.001 - 10.0	\$8,400 \$9,240
10.001 - 15.0	\$12,000 \$13,200
15.001 - 30.0	\$16,800 \$18,480
30.001 - 50.0	\$22,800 \$25,080
50.001 - 100.0	\$28,800 \$31,680
> 100.0	\$34,800 \$38,280

(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 14. IC 13-18-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 10. (a) For storm water permits for construction activity, a fee of one hundred dollars (~~\$100~~) shall be submitted with a notice of intent (NOI):

(b) For storm water permits for industrial activity, the annual fee is one hundred dollars (~~\$100~~):

(a) The following storm water permit fees shall be submitted with a notice of intent:

General storm water permits for construction activity	\$200
General storm water permits for industrial activity	\$300



(b) For storm water permits, the annual fees are as follows:

General storm water permits for construction activity	\$200
General storm water permits for industrial activity	\$300

SECTION 15. IC 13-18-20-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 10.5. For NPDES general permits not otherwise listed in this chapter, the annual fee is five hundred dollars (\$500) unless a lower fee is established in rules adopted by the water pollution control board.**

SECTION 16. IC 13-20-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 3. (a) Except as provided in subsection (b), for solid waste permits, the application fees are as follows:**

New Permit or Major Modification		Fee
Sanitary Landfill	\$31,300	\$34,430
Construction\		
Demolition Site	\$20,000	\$22,000
Restricted Waste Site		
Type I	\$31,300	\$34,430
Type II	\$31,300	\$34,430
Type III	\$20,000	\$22,000
Processing Facility		
Transfer Station	\$12,150	\$13,365
Other	\$12,150	\$13,365
Incinerator	\$28,650	\$31,515
Waste Tire Storage		
Registration	\$ 500	\$550
Waste Tire Processing	\$ 200	\$220
Waste Tire		
Transportation	\$ 25	\$28
Permit Renewal		
Sanitary Landfill	\$ 15,350	\$16,885
Construction\		
Demolition Site	\$ 7,150	\$7,865
Restricted Waste Site		
Type I	\$ 15,350	\$16,885
Type II	\$ 15,350	\$16,885
Type III	\$ 7,150	\$7,865
Processing Facility		

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1	Transfer Station	\$ 2,200 \$2,420
2	Other	\$ 2,200 \$2,420
3	Incinerator	\$ 5,900 \$6,490
4	Waste Tire Processing	\$ 200 \$220

5	Minor Modification	
6	Minor Modification	\$ 2,500 \$2,750

7 **(b) A state or local unit of government required to pay a fee**
8 **described in subsection (a) may only be charged a fee equal to**
9 **ninety-one percent (91%) of the amount of the fee described in**
10 **subsection (a).**

11 SECTION 17. IC 13-20-21-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. **(a) Except as**
13 **provided in subsection (b),** for solid waste, the annual operation fees
14 are as follows:

15		Fee
16	Sanitary Landfill	
17	> 500 TPD	\$35,000 \$38,500
18	250-499 TPD	\$15,000 \$16,500
19	100-249 TPD	\$ 7,000 \$7,700
20	<100 TPD	\$ 2,000 \$2,200
21	Construction\	
22	Demolition Site	\$ 1,500 \$1,650
23	Restricted Waste Site	
24	Type I	\$35,000 \$38,500
25	Type II	\$25,000 \$27,500
26	Type III	\$10,000 \$11,000
27	Processing Facility	
28	Transfer Station	\$ 2,000 \$2,200
29	Other	\$ 2,000 \$2,200
30	Incinerator	
31	>500 TPD	\$35,000 \$38,500
32	250-499 TPD	\$15,000 \$16,500
33	100-249 TPD	\$ 7,000 \$7,700
34	<100 TPD	\$ 2,000 \$2,200
35	Infectious Waste	
36	Incinerator (>7 TPD)	\$ 5,000 \$5,500
37	Waste Tire Storage	
38	Registration	\$ 500 \$550
39	Waste Tire Transportation	
40	Registration	\$ 25 \$28
41	Groundwater Compliance	
42	Sampling (per well)	\$ 250 \$275

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(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 18. IC 13-20-21-6, AS AMENDED BY P.L.218-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 6. (a) For solid waste, the disposal fees are as follows:

	Fee
Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed into a nonmunicipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed into an incinerator per ton	\$ 0.05 \$0.10
Solid waste disposed into a construction\demolition waste site per ton	\$ 0.10 \$0.20

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

SECTION 19. IC 13-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe transportation, treatment, storage, and disposal of hazardous wastes. Whenever possible, the rules adopted under this section must allow for variation in Indiana with regard to population density, climate, and geology.

(b) **Subject to subsections (c) and (d)**, rules adopted under this section concerning incinerators used as hazardous waste facilities may **not** establish requirements **that are** more stringent than the requirements for hazardous waste incinerators established by regulations adopted by the Administrator of the United States Environmental Protection Agency under the following statutes:

(1) The federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(c) **A rule adopted under this section concerning incinerators used as hazardous waste facilities may establish requirements that are more stringent than a corresponding federal provision established under federal law if:**



(1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;

(2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and

(3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.

(d) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

(1) void the rule; and

(2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.

SECTION 20. IC 13-22-4-3.1, AS AMENDED BY P.L.1-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3.1. (a) As used in this section, "acute hazardous waste" has the meaning set forth in IC 13-11-2-1.5.

(b) A person that:

(1) in any one (1) or more calendar months of a calendar year generates:

(A) more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste;

(B) less than one (1) kilogram of acute hazardous waste; or

(C) less than one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste; or

(2) accumulates at least one thousand (1,000) kilograms of hazardous waste or less than one (1) kilogram of acute hazardous waste;

small quantity generator shall, before March 1 of each year, submit to the department on forms provided by the department a report, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of

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1 this chapter, that summarizes the person's hazardous waste shipments
2 during the previous calendar year.

3 (c) A: ~~person that:~~

4 (1) ~~in any one (1) large quantity generator; or more calendar~~
5 ~~months of a calendar year generates:~~

6 (A) ~~more than one thousand (1,000) kilograms of hazardous~~
7 ~~waste;~~

8 (B) ~~at least one (1) kilogram of acute hazardous waste; or~~

9 (C) ~~at least one hundred (100) kilograms of material from the~~
10 ~~cleanup spillage of acute hazardous waste;~~

11 (2) ~~accumulates at least six thousand (6,000) kilograms of~~
12 ~~hazardous waste or at least one (1) kilogram of acute hazardous~~
13 ~~waste; or~~

14 (3) **(2) person that** is a treatment, storage, or disposal facility;
15 shall, before March 1 of each year, submit to the department either the
16 biennial report required by the United States Environmental Protection
17 Agency concerning the person's waste activities during the previous
18 calendar year, or an annual report on forms provided by the
19 department, containing no more than a compilation of information from
20 the Uniform Hazardous Waste Manifest form described in section 1(a)
21 of this chapter, that summarizes the person's hazardous waste
22 shipments during the previous calendar year.

23 SECTION 21. IC 13-22-12-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For hazardous
25 waste, the application fees are as follows:

26 New Permit Application

	Fee
27 Land Disposal	\$40,600 \$44,660
28 Incinerator (per unit)	\$21,700 \$23,870
29 Storage	\$23,800 \$26,180
30 Treatment	\$23,800 \$26,180

31 Permit Renewal or
32 Class 3 Modification

33 Land Disposal	\$34,000 \$37,400
34 Incinerator	\$21,700 \$23,870
35 Storage	\$17,200 \$18,920
36 Treatment	\$17,200 \$18,920

37 Class 2 Modification

38 Class 2 Modification	\$ 2,250 \$2,475
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39 SECTION 22. IC 13-22-12-3 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. For hazardous
41 waste, the annual operation fees are as follows:
42



1		Fee	
2	Land Disposal	\$37,500	\$41,250
3	Incinerator (per unit)	\$10,000	\$11,000
4	Storage	\$ 2,500	\$2,750
5	Treatment	\$10,000	\$11,000
6	Large Quantity Generator	\$ 1,565	\$1,722
7	Small Quantity Generator		\$300
8	Postclosure Activity	\$ 1,500	\$1,650
9	Groundwater Compliance		
10	Sampling at active		
11	facilities (per well)	\$ 1,000	\$1,100

12 SECTION 23. IC 13-23-1-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The board shall
 14 adopt rules under IC 4-22-2 and IC 13-14-8 for the establishment and
 15 operation of the program established under section 1 of this chapter.

16 (b) **Subject to subsections (d) and (e)**, the rules ~~must~~ **may** not be
 17 **more or** less stringent than the regulations adopted by the
 18 Administrator of the United States Environmental Protection Agency
 19 under Section 9003 of the federal Solid Waste Disposal Act, as
 20 amended (42 U.S.C. 6991b, as amended).

21 (c) The rules adopted under subsection (a) must include the
 22 following:

23 (1) Requirements for maintaining:

24 (A) a leak detection system;

25 (B) an inventory control system coupled with tank testing; or

26 (C) a comparable system or method;

27 designed to identify releases in a manner consistent with the
 28 protection of human health and the environment.

29 (2) Requirements for maintaining records of any:

30 (A) monitoring;

31 (B) leak detection system;

32 (C) inventory control system or tank testing; or

33 (D) comparable system.

34 (3) Requirements for reporting of:

35 (A) any releases; and

36 (B) corrective action taken in response to a release.

37 (4) Requirements for ordering or taking corrective action in
 38 response to a release.

39 (5) Requirements for closure of underground storage tanks to
 40 prevent future releases of regulated substances into the
 41 environment.

42 (6) Requirements for maintaining evidence of financial

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responsibility for:

- (A) taking corrective action; and
- (B) compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of an underground storage tank.
- (7) Standards of performance for new underground storage tanks.
- (8) Requirements for the following:
 - (A) Providing notice to the department of the existence of operational and nonoperational underground storage tanks, as required under 42 U.S.C. 6991a(a).
 - (B) Providing the information required on the form prescribed under 42 U.S.C. 6991a(b)(2).
 - (C) Providing notice, by any person who sells a tank intended to be used as an underground storage tank, to the purchaser of that tank of the owner's notification requirements established by this article and 42 U.S.C. 6991a(a).

(d) A rule adopted under this section may be more stringent than a corresponding federal provision established under federal law if:

- (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;**
- (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and**
- (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.**

(e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

- (1) void the rule; and**
- (2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.**



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1 SECTION 24. IC 13-22-12-10 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2005].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1671, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-1.5, AS AMENDED BY P.L.1-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1.5. "Acute hazardous waste", for purposes of **section 117.5 of this chapter and IC 13-22-4-3.1**, has the meaning set forth in 40 CFR Part 261.

SECTION 2. IC 13-11-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 89. ~~(a) "Generator"; for purposes of IC 13-22-12, means a person that, during the preceding year, generated hazardous waste in quantities greater than:~~

- ~~(1) one thousand (1,000) kilograms of hazardous waste; or~~
- ~~(2) one (1) kilogram of acutely toxic waste in any month.~~

~~(b) "Generator", for purposes of IC 13-29-1, means a person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the United States Nuclear Regulatory Commission or a party state to produce or possess such waste. The term does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.~~

SECTION 3. IC 13-11-2-117.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 117.5. "Large quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

- (1) generates:**
 - (A) one thousand (1,000) kilograms or more of hazardous waste;**
 - (B) more than one (1) kilogram of acute hazardous waste;**
 - or**
 - (C) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;**
- in any one (1) or more calendar months of a calendar year; or**



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(2) accumulates:

**(A) more than one (1) kilogram of acute hazardous waste;
or**

(B) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;

at any time during the year.

SECTION 7. IC 13-11-2-204.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 204.5. "Small quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

(1) generates more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste in any one (1) or more calendar months of a calendar year; or

(2) accumulates more than one thousand (1,000) kilograms of hazardous waste at any time during the year."

Page 1, line 16, delete "A" and insert "Subject to subsections (c) and (d), a".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"(c) A rule or standard adopted by a board may be more stringent than a corresponding federal provision established under federal law if:

(1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule or standard should be more stringent than the corresponding federal provision;

(2) the environmental quality service council makes a recommendation to the general assembly that the rule or standard should be more stringent than the corresponding federal provision; and

(3) the general assembly enacts a statute that authorizes the board to adopt a rule or standard that is more stringent than the corresponding federal provision established under federal law.

(d) If the environmental quality service council reviews a rule or standard adopted by a board that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule or standard should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

(1) void the rule or standard; and



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(2) require the board to adopt a rule or standard that is not more stringent than the corresponding federal provision established under federal law.

SECTION 6. IC 13-15-4-11, AS AMENDED BY P.L.184-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) If an applicant is operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit under IC 13-15-3-6, the applicant may proceed under this section after notifying the commissioner in writing of its intent to do so.

(b) If the commissioner does not issue or deny a permit within the time specified under sections 1 through 6 of this chapter, the applicant may proceed under this section. **Except as provided in section 12.1 of this chapter**, after reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement, the applicant may choose to proceed under one (1) of the following alternatives:

(1) The:

(A) applicant may request and receive a refund of a permit application fee paid by the applicant; and

(B) commissioner shall do the following:

- (i) Continue to review the application.
- (ii) Approve or deny the application as soon as practicable.
- (iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(2) The:

(A) applicant may:

- (i) request and receive a refund of a permit application fee paid by the applicant; and
- (ii) submit to the department a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall do the following:

- (i) Review the draft permit.
- (ii) Approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.
- (iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(3) The:

(A) applicant may hire an outside consultant to prepare a draft permit and any required supporting technical justification for

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the permit; and

(B) commissioner shall:

(i) review the draft permit; and

(ii) approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

SECTION 7. IC 13-15-4-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. An applicant may not receive a refund of a permit application fee if the permit application concerned the renewal of a permit.**

SECTION 8. IC 13-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the **following programs of the department:**

(1) National Pollutant Discharge Elimination System **program including storm water permits.**

(2) Solid waste ~~and~~ **program.**

(3) Hazardous waste ~~programs of the department and the boards.~~ **program.**

(4) **Safe drinking water program.**

SECTION 9. IC 13-18-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For industrial permits, other than coal mine permits or stone quarry permits, the annual base fee per facility is:

(1) one thousand **one hundred** dollars (~~\$1,000~~) (**\$1,100**) for a major permit; and

(2) four hundred **forty** dollars (~~\$400~~) (**\$440**) for a minor permit; plus the following annual discharge flow fee per facility:

Daily Average Actual

Flow in MGD	Fee
.001 - .05	\$240 \$264
.051 - .1	\$360 \$396
.101 - .2	\$840 \$924
.201 - .3	\$1,200 \$1,320
.301 - .5	\$1,680 \$1,848
.501 - 1.0	\$2,060 \$2,266
1.001 - 2.0	\$3,600 \$3,960
2.001 - 5.0	\$5,400 \$5,940
5.001 - 10.0	\$8,400 \$9,240
10.001 - 15.0	\$12,000 \$13,200
15.001 - 30.0	\$16,800 \$18,480



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30.001 - 50.0	\$22,800 \$25,080
50.001 - 100.0	\$28,800 \$31,680
> 100.0	\$34,800 \$38,280

Annual flow fees are reduced by twenty percent (20%) for discharges that are comprised of greater than ninety percent (90%) of non-contact cooling water.

SECTION 10. IC 13-18-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. Each facility for which a coal mine operator files a notice of intent under the general coal mine permit rules adopted under IC 13-18-18 shall pay an annual fee of five hundred **fifty** dollars (~~\$500~~) (**\$550**) instead of the following individual permit fees. The annual fee must accompany the initial notice of intent and is due each year on the anniversary date of the date when the initial notice of intent was filed.

Outfalls	Fee
1 Outfall	\$500 \$550
2-3 Outfalls	\$750 \$825
4-6 Outfalls	\$1,000 \$1,100
7-10 Outfalls	\$1,500 \$1,650
11-20 Outfalls	\$2,500 \$2,750
21-99 Outfalls	\$3,500 \$3,850

SECTION 11. IC 13-18-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. For stone quarry permits, the annual fee is as follows:

Outfalls	Fee
1 Outfall	\$750 \$825
2 Outfalls	\$1,500 \$1,650
3 Outfalls	\$2,000 \$2,200
4 Outfalls	\$2,500 \$2,750

SECTION 12. IC 13-18-20-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 8. For semipublic permits, the annual base fee per facility is:

- (1) ~~seven hundred fifty~~ **eight hundred twenty-five** dollars (~~\$750~~) (**\$825**) for a major permit; and
 - (2) two hundred **twenty** dollars (~~\$200~~) (**\$220**) for a minor permit;
- plus the following annual discharge flow fee per facility:

Daily Average Design

Flow in MGD	Fee
.001 - .05	\$150 \$165
.051 - .1	\$300 \$330
.101 - .2	\$1,000 \$1,100
.201 - .3	\$2,000 \$2,200



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.301 - .5	\$2,500 \$2,750
.501 - 1.0	\$3,000 \$3,300
1.001 - 2.0	\$3,500 \$3,850
2.001 - 5.0	\$4,000 \$4,400
5.001 - 10.0	\$5,000 \$5,500
10.001 - 15.0	\$6,500 \$7,150
15.001 - 30.0	\$7,500 \$8,250
30.001 - 50.0	\$10,000 \$11,000
50.001 - 100.0	\$11,000 \$12,100

SECTION 13. IC 13-18-20-9, AS AMENDED BY P.L.184-2002, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 9. **(a) Except as provided in subsection (b),** for public water system permits, the annual base fee per facility is:

- (1) one thousand **one hundred** dollars (~~\$1,000~~) (**\$1,100**) for a major permit; and
 - (2) four hundred **forty** dollars (~~\$400~~) (**\$440**) for a minor permit;
- plus the following annual discharge flow fee per facility based on projected daily average flow in MGD as set forth in a facility NPDES permit:

Projected Daily Average

Flow in MGD	Fee
.001 - .05	\$240 \$264
.051 - .1	\$360 \$396
.101 - .2	\$840 \$928
.201 - .3	\$1,200 \$1,320
.301 - .5	\$1,680 \$1,848
.501 - 1.0	\$2,060 \$2,266
1.001 - 2.0	\$3,600 \$3,960
2.001 - 5.0	\$5,400 \$5,940
5.001 - 10.0	\$8,400 \$9,240
10.001 - 15.0	\$12,000 \$13,200
15.001 - 30.0	\$16,800 \$18,480
30.001 - 50.0	\$22,800 \$25,080
50.001 - 100.0	\$28,800 \$31,680
> 100.0	\$34,800 \$38,280

(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 14. IC 13-18-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 10. **(a) For storm water permits for construction activity, a fee of one hundred dollars**



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~~(\$100)~~ shall be submitted with a notice of intent ~~(NOI)~~.

(b) For storm water permits for industrial activity, the annual fee is ~~one hundred dollars (\$100)~~.

(a) The following storm water permit fees shall be submitted with a notice of intent:

General storm water permits
for construction activity \$200

General storm water permits
for industrial activity \$300

(b) For storm water permits, the annual fees are as follows:

General storm water permits
for construction activity \$200

General storm water permits
for industrial activity \$300

SECTION 15. IC 13-18-20-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 10.5. For NPDES general permits not otherwise listed in this chapter, the annual fee is five hundred dollars (\$500) unless a lower fee is established in rules adopted by the water pollution control board.**

SECTION 16. IC 13-20-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 3. (a) Except as provided in subsection (b), for solid waste permits, the application fees are as follows:**

New Permit or Major Modification	
	Fee
Sanitary Landfill	\$31,300 \$34,430
Construction\	
Demolition Site	\$20,000 \$22,000
Restricted Waste Site	
Type I	\$31,300 \$34,430
Type II	\$31,300 \$34,430
Type III	\$20,000 \$22,000
Processing Facility	
Transfer Station	\$12,150 \$13,365
Other	\$12,150 \$13,365
Incinerator	\$28,650 \$31,515
Waste Tire Storage	
Registration	\$ 500 \$550
Waste Tire Processing	\$ 200 \$220
Waste Tire	
Transportation	\$ 25 \$28

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Permit Renewal

Sanitary Landfill	\$ 15,350 \$16,885
Construction\	
Demolition Site	\$ 7,150 \$7,865
Restricted Waste Site	
Type I	\$ 15,350 \$16,885
Type II	\$ 15,350 \$16,885
Type III	\$ 7,150 \$7,865
Processing Facility	
Transfer Station	\$ 2,200 \$2,420
Other	\$ 2,200 \$2,420
Incinerator	\$ 5,900 \$6,490
Waste Tire Processing	\$ 200 \$220

Minor Modification

Minor Modification	\$ 2,500 \$2,750
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(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 17. IC 13-20-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. **(a) Except as provided in subsection (b),** for solid waste, the annual operation fees are as follows:

Fee

Sanitary Landfill	
> 500 TPD	\$35,000 \$38,500
250-499 TPD	\$15,000 \$16,500
100-249 TPD	\$ 7,000 \$7,700
<100 TPD	\$ 2,000 \$2,200
Construction\	
Demolition Site	\$ 1,500 \$1,650
Restricted Waste Site	
Type I	\$35,000 \$38,500
Type II	\$25,000 \$27,500
Type III	\$10,000 \$11,000
Processing Facility	
Transfer Station	\$ 2,000 \$2,200
Other	\$ 2,000 \$2,200
Incinerator	
>500 TPD	\$35,000 \$38,500
250-499 TPD	\$15,000 \$16,500
100-249 TPD	\$ 7,000 \$7,700



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<100 TPD	\$ 2,000 \$2,200
Infectious Waste	
Incinerator (>7 TPD)	\$ 5,000 \$5,500
Waste Tire Storage	
Registration	\$ 500 \$550
Waste Tire Transportation	
Registration	\$ 25 \$28
Groundwater Compliance	
Sampling (per well)	\$ 250 \$275

(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 18. IC 13-20-21-6, AS AMENDED BY P.L.218-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 6. (a) For solid waste, the disposal fees are as follows:

	Fee
Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed into a nonmunicipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed into an incinerator per ton	\$ 0.05 \$0.10
Solid waste disposed into a construction\demolition waste site per ton	\$ 0.10 \$0.20

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued."

Page 2, line 9, delete "Rules" and insert "**Subject to subsections (c) and (d), rules**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(c) A rule adopted under this section concerning incinerators used as hazardous waste facilities may establish requirements that are more stringent than a corresponding federal provision established under federal law if:

- (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;**
- (2) the environmental quality service council makes a recommendation to the general assembly that the rule should**



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be more stringent than the corresponding federal provision;
and

(3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.

(d) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

(1) void the rule; and

(2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.

SECTION 18. IC 13-22-4-3.1, AS AMENDED BY P.L.1-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3.1. (a) As used in this section, "acute hazardous waste" has the meaning set forth in IC 13-11-2-1.5.

(b) A person that:

(1) in any one (1) or more calendar months of a calendar year generates:

(A) more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste;

(B) less than one (1) kilogram of acute hazardous waste; or

(C) less than one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste; or

(2) accumulates at least one thousand (1,000) kilograms of hazardous waste or less than one (1) kilogram of acute hazardous waste;

small quantity generator shall, before March 1 of each year, submit to the department on forms provided by the department a report, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

(c) A: person that:

(1) in any one (1) **large quantity generator**; or more calendar months of a calendar year generates:

(A) more than one thousand (1,000) kilograms of hazardous

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waste;

(B) at least one (1) kilogram of acute hazardous waste; or

(C) at least one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste;

(2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or

(3) **(2) person that** is a treatment, storage, or disposal facility;

shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

SECTION 19. IC 13-22-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For hazardous waste, the application fees are as follows:

New Permit Application

	Fee
Land Disposal	\$40,600 \$44,660
Incinerator (per unit)	\$21,700 \$23,870
Storage	\$23,800 \$26,180
Treatment	\$23,800 \$26,180

Permit Renewal or

Class 3 Modification

Land Disposal	\$34,000 \$37,400
Incinerator	\$21,700 \$23,870
Storage	\$17,200 \$18,920
Treatment	\$17,200 \$18,920

Class 2 Modification

Class 2 Modification	\$ 2,250 \$2,475
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SECTION 20. IC 13-22-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. For hazardous waste, the annual operation fees are as follows:

	Fee
Land Disposal	\$37,500 \$41,250
Incinerator (per unit)	\$10,000 \$11,000
Storage	\$ 2,500 \$2,750
Treatment	\$10,000 \$11,000
Large Quantity Generator	\$ 1,565 \$1,722



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Small Quantity Generator	\$300
Postclosure Activity	\$ 1,500 \$1,650
Groundwater Compliance	
Sampling at active facilities (per well)	\$ 1,000 \$1,100 ".

Page 2, line 23, delete "The" and insert "**Subject to subsections (d) and (e), the**".

Page 3, after line 22, begin a new paragraph and insert:

"(d) A rule adopted under this section may be more stringent than a corresponding federal provision established under federal law if:

- (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;**
- (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and**
- (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.**

(e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:

- (1) void the rule; and**
- (2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.**

SECTION 22. IC 13-22-12-10 IS REPEALED [EFFECTIVE JANUARY 1, 2005]."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1671 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 8, nays 4.

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